

SECOND REGULAR SESSION

HOUSE BILL NO. 2027

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GAMBARO.

Read 1st time February 21, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4781L.011

AN ACT

To repeal sections 137.298 and 302.341, RSMo, and to enact in lieu thereof three new sections relating to collection of certain delinquent fines and fees.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 137.298 and 302.341, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 137.298, 301.026, and 302.341, to read as
3 follows:

137.298. Other provisions of law to the contrary notwithstanding, any city **or county**
2 may by ordinance include as a charge on bills issued for personal property taxes any outstanding
3 **vehicle-related fees and fines, including traffic and** parking violations, **assessed or** issued on
4 any vehicle for which personal property tax is to be paid and, if required by ordinance, such
5 charge shall be collected with and in the same payment as personal property taxes are collected
6 by the [collector of revenue of such] city **or county**. No personal property tax bill shall be
7 considered paid unless all charges for parking violations **and other vehicle-related fees and**
8 **fines** are also paid in full and the [collector of revenue] **city or county** shall not issue a paid
9 personal property receipt until all such charges are paid.

301.026. 1. No state registration license to operate any motor vehicle in this state
2 **shall be issued or renewed so long as the owner of that motor vehicle owes vehicle-related**
3 **fees or fines to a county, city, or township within the state, that liability is delinquent as**
4 **determined by the county, city, or township, and the vehicle owner has not paid the**
5 **liability or appeared in court or designated administrative adjudication agency to contest**
6 **the vehicle-related fees and fines. For the purpose of this section, vehicle-related fees and**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

7 fines shall include, but not necessarily be limited to, traffic violation fines, parking
8 violation fines, towing and vehicle immobilization fees and any late payment penalties and
9 court costs associated with the adjudication or collection of those fines.

10 2. A county, city, or township may notify, by ordinary mail, any owner of a motor
11 vehicle for which vehicle-related fees and fines have not been paid that, if full payment is
12 not received within thirty days, the director of revenue will be authorized to suspend the
13 motor vehicle registration for such vehicle and any other vehicles owned by the vehicle
14 owner. Any notification returned to the county, city, or township by the post office may
15 be sent to the director of revenue. The department of revenue may subsequently take any
16 action it deems reasonable and practical to notify the owner and the county, city, or
17 township of the pending suspension of motor vehicle registration.

18 3. Thereafter, if the vehicle owner fails to pay such vehicle-related fees and fines
19 to the county, city, or township within thirty days, the county, city, or township may notify
20 the director of revenue of such failure. Such notification shall be on forms approved by
21 the department of revenue and shall list the vehicle owner's full name and address, and the
22 year, make, model, and vehicle identification number of such motor vehicle. In addition,
23 the department of revenue may, before renewing the registration of any motor vehicle,
24 check the driver's license records of all registered owners for notification that the licensee
25 has failed to pay a lawfully imposed vehicle-related fee or fine within the time prescribed
26 herein.

27 4. Upon receipt of this notification, the director of revenue may provide notice of
28 suspension of motor vehicle registration to the vehicle owner at the vehicle owner's last
29 address shown on the records of the department of revenue. The director of revenue shall
30 suspend registration and prohibit registration renewal on that vehicle, and all other
31 vehicles owned by the vehicle owner, until the director of revenue receives notification
32 from the county, city, or township that the delinquent amounts have been paid in full.

33 5. Any suspension imposed shall remain in effect until the department of revenue
34 receives notification from the county, city, or township that the vehicle owner has paid the
35 vehicle-related fees and fines in full or otherwise satisfied his or her obligations regarding
36 the delinquent vehicle-related fees and fines. Upon the county, city, or township furnishing
37 such notification, and the vehicle owner paying any required reinstatement fee of up to
38 twenty dollars to the director of revenue, the motor vehicle registration shall be reinstated.

39 6. If the vehicle owner's check is returned for insufficient funds, the county, city,
40 or township may assess and collect in addition to any other penalty or interest that may be
41 owed, a penalty of ten dollars or five percent of the total amount of the returned check or
42 order, whichever amount is greater, but in no event shall such penalty imposed exceed one

43 **hundred dollars. The county, city, or township may refuse to accept any check or other**
44 **similar order in payment of any fine or fee currently owed plus penalty or interest from**
45 **a person who previously attempted to pay such amount with a check or order that was**
46 **returned to the county, city, or township unless the remittance is in the form of a cashier's**
47 **check, certified check, or money order. If a person does not comply with the provisions of**
48 **this section, no state registration license shall be issued or renewed.**

49 **7. In the event a motor vehicle registration is suspended for nonpayment of vehicle-**
50 **related fines or fees, the owner so aggrieved may appeal to the designated administrative**
51 **adjudication agency of the county of his or her residence or, if there is no such**
52 **administrative adjudication agency, the circuit court of the county of his or her residence,**
53 **for review of such suspension at any time within thirty days after notice of motor vehicle**
54 **registration suspension. Upon such appeal, the cause shall be heard de novo in the manner**
55 **provided by chapter 536, RSMo, for the review of administrative decisions. The circuit**
56 **court or administrative adjudication agency may order the director to reinstate such**
57 **registration, sustain the suspension of registration by the director or set aside or modify**
58 **such suspension. Appeals from the judgment of the circuit court or administrative**
59 **adjudication agency may be taken as in civil cases. The prosecuting attorney of the county**
60 **where such appeal is taken shall appear in behalf of the director, and prosecute or defend,**
61 **as the case may require.**

62 **8. The director of revenue shall make necessary rules and regulations for the**
63 **enforcement of this section, and shall design all necessary forms. All notifications among**
64 **state and local jurisdictions may be made electronically. No rule or portion of a rule**
65 **promulgated pursuant to the authority of this section shall become effective unless it has**
66 **been promulgated pursuant to chapter 536, RSMo. This section and chapter 536, RSMo,**
67 **are nonseverable and if any of the powers vested with the general assembly pursuant to**
68 **chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule**
69 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
70 **rule proposed or adopted after August 28, 2002, shall be invalid and void.**

302.341. If a Missouri resident charged with a moving traffic violation **or parking**
2 **violation** of this state or any county or municipality of this state fails to dispose of the charges
3 of which he is accused through authorized prepayment of [fine and court costs] **vehicle-related**
4 **fees or fines** and fails to appear on the return date or at any subsequent date to which the case
5 has been continued, or without good cause fails to pay any [fine or court costs] **vehicle-related**
6 **fees or fines** assessed against him **or her** for any such violation within the period of time
7 specified or in such installments as approved by the court or as otherwise provided by law, any
8 court **or designated administrative agency** having jurisdiction over the charges shall within ten

9 days of the failure to comply inform the defendant by ordinary mail at the last address shown on
10 the court records that the court will order the director of revenue to suspend the defendant's
11 driving privileges if the charges are not disposed of and fully paid within thirty days from the
12 date of mailing. **For the purposes of this section, vehicle-related fees and fines shall include,**
13 **but not necessarily be limited to, traffic violation fines, parking violation fines, towing and**
14 **vehicle immobilization fees, and any late payment penalties and court costs associated with**
15 **the adjudication or collection of those fines.** Thereafter, if the defendant fails to timely act to
16 dispose of the charges and fully pay any applicable fines and court costs, the court **or designated**
17 **administrative agency** shall notify the director of revenue of such failure and of the pending
18 charges against the defendant. Upon receipt of this notification, the director shall suspend the
19 license of the driver, effective immediately, and provide notice of the suspension to the driver
20 at the last address for the driver shown on the records of the department of revenue. Such
21 suspension shall remain in effect until the court **or designated administrative agency** with the
22 subject pending charge requests setting aside the noncompliance suspension pending final
23 disposition, or satisfactory evidence of disposition of pending charges and payment of fine and
24 court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition
25 of charges and payment of fine and court costs, if applicable, and payment of the reinstatement
26 fee as set forth in section 302.304, the director shall reinstate the license. The filing of financial
27 responsibility with the bureau of safety responsibility, department of revenue, shall not be
28 required as a condition of reinstatement of a driver's license suspended solely under the
29 provisions of this section. If any city, town or village receives more than forty-five percent of
30 its total annual revenue from fines for traffic violations occurring on state highways, all revenues
31 from such violations in excess of forty-five percent of the total annual revenue of the city, town
32 or village shall be sent to the director of the department of revenue and shall be distributed
33 annually to the schools of the county in the same manner that proceeds of all penalties,
34 forfeitures and fines collected for any breach of the penal laws of the state are distributed. For
35 the purpose of this section the words "state highways" shall mean any state or federal highway,
36 including any such highway continuing through the boundaries of a city, town or village with a
37 designated street name other than the state highway number.